

#### Members

Rep. Michael Dvorak, Chairperson  
Rep. Win Moses  
Rep. Vernon Smith  
Rep. Robert Alderman  
Rep. Ralph Ayres  
Rep. Eric Turner  
Sen. Richard Bray, Vice-Chairperson  
Sen. John Waterman  
Sen. Charles Meeks  
Sen. Anita Bowser  
Sen. William Alexa  
Sen. Cleo Washington



## INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE ISSUES

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Authority: Legislative Council Resolution 99-1  
(Adopted May 26, 1999)

### MEETING MINUTES<sup>1</sup>

Meeting Date: October 26, 1999  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 156-A  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

**Members Present:** Rep. Michael Dvorak, Chairperson; Rep. Win Moses; Rep. Robert Alderman; Rep. Eric Turner; Sen. Richard Bray, Vice-Chairperson; Sen. John Waterman; Sen. Charles Meeks; Sen. Cleo Washington.

**Members Absent:** Rep. Vernon Smith; Rep. Ralph Ayres; Sen. Anita Bowser; Sen. William Alexa.

Representative Michael Dvorak, Chairperson of the Interim Study Committee on Criminal Justice Issues (Committee), called the meeting to order at 10:16 a.m.

Representative Dvorak said the Committee would discuss child abuse issues assigned to the Committee by the Legislative Council, including the reporting of suspected child abuse, the role of law enforcement officers in child abuse cases, and the protective and family services available to victims of child abuse and their families. He said these issues were based on SB 529, SCR, 48, HR 30, and SCR 6 introduced by Senator Pat Miller and

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Representative Vaneta Becker during the 1999 Session.

Representative Dvorak said he wanted to begin the meeting by following up on an issue discussed at the first two Committee meetings. He introduced Steve Johnson, Executive Director of the Indiana Prosecuting Attorneys Council (Council), to discuss two amendments to IC 35-38-1-17 concerning sentence modifications proposed by Larry Landis, Executive Director of the Indiana Public Defender Council, at the September 28, 1999, Committee meeting. (Under IC 35-38-1-17, a judge may not reduce or suspend a defendant's sentence if more than 365 days have passed since the defendant began serving his or her sentence unless the prosecuting attorney approves the reduction or suspension. One of the proposed amendments would increase the time limit from 365 days to five years and the other amendment would remove the time limit completely.)

Mr. Johnson stated the Board of Directors of the Council voted unanimously to oppose both amendments to the sentence modification statute. Mr. Johnson distributed a letter to the Committee which provided a history of the sentence modification statute and outlined the Board's reasons for opposing the amendments (see Exhibit 1).

Mr. Johnson said there were currently other ways for an inmate to reduce his or her sentence, including the use of "good time" credit and the use of credit time earned for the successful completion of educational and vocational programs and drug and alcohol abuse programs.

The next person to testify was Carole Davis from Evansville, Indiana. Ms. Davis said legislation was need to require the investigation of all aspects of "child maltreatment" in Indiana. She said many children get "lost in the system" due to such problems as turf battles between various agencies.

Ms. Davis continued by stating there was a 41% increase in child deaths in Indiana last year due to abuse and neglect. She said continuing problems with child abuse were due to ignorance and indifference.

In addition to this investigation of child maltreatment issues, Ms. Davis also said an ombudsman for children should be established.

The next person to testify was Sue Hanna from Evansville, Indiana. Ms. Hanna said she was a private investigator and polygraph examiner who had been involved in child sexual abuse issues. Ms. Hanna distributed a brochure to the Committee entitled "The Hanna Blackford Monitoring Agency, Offender Monitoring Services, House Arrest Monitoring Programs" (see Exhibit 2).

Ms. Hanna stated she had developed guidelines for a program involving polygraph monitoring of sex offenders. She said this program was not a cure but a method of control that allowed families to stay together while the offender was receiving treatment. She added some states had adopted these programs through legislation.

Ms. Hanna said these monitoring programs make offenders accountable. She said many times the current system of house arrest or home detention just results in "a rude interruption of a long prison term."

The Committee then discussed whether to include any specific recommendations in its Final Report concerning amendments to the sentence modification statute.

In response to questions from Senator Washington, Representative Dvorak stated that he

did not know what the position of the Indiana Judges Association was concerning the proposed amendments. Senator Washington said that, while he would like to have input from trial court judges on this issue, he felt the one year period should be extended. He said he thought the extra time was necessary for many inmates to complete education programs or alcohol or drug rehabilitation programs before they are considered a candidate for "shock probation."

Senator Bray stated he had talked to several corrections officials about this issue. He said he had heard that if incarceration was going to have a "positive" effect on an inmate, it usually occurred shortly after the cell door "slammed behind them." He said he felt that if change was going to occur in an incarcerated inmate, it was going to occur in the first 30 days of incarceration.

Senator Meeks stated he favored the current system and was against modifying the "shock probation" statute.

The Committee then discussed whether to include any specific recommendations in its Final Report concerning the incarceration of youthful offenders with adult offenders.

Senator Meeks stated that while he thought the General Assembly had the power to require the Department of Correction (DOC) to provide "sight and sound" barriers between youthful and adult offenders incarcerated in DOC facilities, he thought the Committee did not have enough information to make a decision concerning this separation in county jails. He said he also felt a "sight and sound" separation requirement in county facilities would be considered an unfunded mandate.

Senator Bray stated he did not think the state could afford to create a "Third Tier" form of confinement between juvenile detention and incarceration with adults.

At this point, William Glick, Executive Director of the Indiana Juvenile Justice Task Force, stated that the Interim Study Committee on Juvenile Law and Restorative Justice was also discussing many of these same issues and would continue to do so for another year. He said he felt the state should consider creating a "Third Tier" system of incarceration because nationwide studies had shown that waiving juveniles into the adult system was not working.

Representative Dvorak then stated that Representative Becker had arrived and invited her to address the Committee concerning child abuse issues.

Representative Becker offered Senator Miller's apologies for not being able to attend the Committee meeting due to a conflict with another study committee meeting at the same time.

Representative Becker stated there were statewide problems concerning child abuse that were resulting in the deaths of many children. She said that anything the Committee could do to improve this situation would be welcomed.

In response to questions from Representative Dvorak, Representative Becker said it was important to determine how changes made during the 1999 legislative session were affecting child abuse issues before any additional changes are made to deal with these issues.

The Committee then returned to discussing whether to include any specific recommendations in its Final Report.

Senator Meeks said he felt the Committee did not have enough data on any of the issues discussed during its three meetings to endorse any specific piece of legislation.

Representative Dvorak stated he agreed the Committee needed more time to address many of the subjects the Committee had considered to make official recommendations or endorsements. He said Committee members could still develop legislation individually or in groups before the 2000 Session began.

At this point, Carole Davis stated she had provided the Committee with child abuse information at its first meeting. She said the legislature needed to get at the root of the problem to prevent child abuse. She said people needed to "walk the streets" and see how many children are suffering.

Senator Meeks stated that he, Senator Waterman, and Representative Alderman had been law enforcement officers for many years. He said they had walked these streets and were all well aware of these problems.

Representative Dvorak said that, while the Committee would not take any official action, he would ask Committee staff to prepare a memo that compared the services provided to youthful offenders by the DOC as described by DOC Commissioner Edward Cohn at the September 28, 1999, Committee meeting to the services the DOC was required to provide under Title 11 of the Indiana Code. He said, based on this comparison, he may ask specific legislation to be prepared for the 2000 Session.

Several members of the Committee then agreed that the Legislative Council established study committees at too late a date during the 1999 interim. The members felt they did not have enough time to adequately examine all the issues assigned to them by the Legislative Council.

Representative Dvorak adjourned the meeting at 11:22 a.m.